

Michael Craig Cox, CA SBN # 248393
120 Roble Road, #108
Walnut Creek, CA 94597
Telephone: 650.245.2565
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Attorney for Petitioner
Anita PATEL

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Anita PATEL,

Petitioner,

V.

Alberto GONZALES, in his official capacity,)
Attorney General, United States Department of)
Justice;)

Michael CHERTOFF, in his official capacity,) Secretary, United States Department of Homeland Security;)

Emilio GONZALEZ, in his official capacity,
Director, United States Citizenship and
Immigration Services, United States
Department of Homeland Security; and

David STILL, in his official capacity, District
Director, United States Citizenship and
Immigration Services, United States
Department of Homeland Security, San
Francisco, California,

Respondents.

Case No.: C 07 2919 SI

**Declaration of Michael Cox in Support of
Petitioner's Motion for Summary Judgment
against Respondents per Fed. R. Civ. P. 56**

Immigration Case,
Administrative Procedure Act Case

Agency No.: A096 542 186

1 I, Michael Craig Cox, declare and state as follows:

2 1. I am a member of the bar of this Court, and I give this declaration in support of
3 Petitioner Anita Patel's Motion for Summary Judgment.

4 2. I am familiar with the procedural background in the above-referenced action, and
5 the matters set forth in this Declaration are personally known to me. If called and sworn as a
6 witness, I could and would competently testify thereto.

7 3. On May 3, 2002, Petitioner Patel married Anand Paul Singh Judge in California.
8 Mr. Judge was born in California and as a result is a United States citizen. This was admitted in
9 the Respondents' Answer in this matter, filed August 10, 2007, at paragraph 12.

10 4. In October, 2005, Petitioner Patel and her husband gave birth to their first child, a
11 daughter born here in the United States. This was admitted in the Respondents' Answer in this
12 matter at paragraph 13.

13 5. On or about June 3, 2005, Petitioner Patel's husband, a United States citizen, filed
14 an immediate family visa application, Form I-130 Petition for Alien Relative, on behalf of
15 Petitioner Patel, a United Kingdom citizen, based upon their marriage. The I-130 petition filed
16 on behalf of Petitioner Patel was approved by United States Citizenship and Immigration
17 Services ("USCIS") on December 14, 2005. A copy of the I-130 Approval Notice is attached as
18 Petitioner's Exhibit A.

19 6. On or about June 3, 2005, Petitioner Patel filed Form I-485 Application to
20 Register Permanent Resident or Adjust Status. A Receipt Notice from USCIS was sent on June
21 20, 2005, including a request for Petitioner Patel to schedule an appointment to provide
22 fingerprints and biometrics. A copy of the I-485 Receipt Notice is attached as Petitioner's
23 Exhibit B.

24 7. Petitioner Patel fulfilled the requests from USCIS and has provided fingerprint
25 and biometric information to CIS in response to the 2005 request by USCIS. This was admitted
26 in the Respondents' Answer in this matter at paragraph 24.

27 8. On or about September 29, 2005, CIS sent Petitioner Patel a Request for
28 Applicant to Appear for Initial Interview in furtherance of her I-485 Application. Petitioner

1 Patel's priority date was set to June 3, 2005, and her interview date was scheduled for December
2 13, 2005. A copy of that request from USCIS is attached as Petitioner's Exhibit C.

3 9. Both Petitioner Patel and her husband attended and completed the scheduled
4 interview on December 13, 2005. This was admitted in the Respondents' Answer in this matter
5 at paragraph 21.

6 10. On or about August 22, 2006, Petitioner Patel's former counsel inquired into the
7 status of Petitioner Patel's I-485 Application. A copy of the inquiry letter is attached as
8 Petitioner's Exhibit D.

9 11. On or about August 25, 2006, a response to the August 22, 2006 inquiry indicated
10 that USCIS was awaiting a security check on Petitioner Patel's case from the FBI, and that
11 USCIS would be unable to adjudicate her petition until the background check had concluded.
12 USCIS further stated that on average cases are assigned to a USCIS officer within one week of
13 clearance for adjudication. A copy of this USCIS Inquiry Response is attached as Petitioner's
14 Exhibit E.

15 12. On or about September 11, 2006, Petitioner Patel called USCIS to request status
16 on her I-485 Application, receipt number MSC-05-259-18879. In a letter of response dated
17 September 11, 2006, USCIS said that Petitioner Patel's application was not yet ready for
18 decision because the background investigation had not yet been completed. The letter further
19 instructed that if Petitioner Patel did not hear from USCIS within 6 months to contact the
20 customer service phone number. A copy of the letter from USCIS to Petitioner is attached as
21 Petitioner's Exhibit F.

22 13. On or about January 22, 2007, Petitioner Patel again called USCIS to request
23 status on her I-485 Application, receipt number MSC-05-259-18879. In a letter of response
24 dated January 23, 2007, USCIS used identical text to the earlier September 11, 2006 letter of
25 response to tell Petitioner Patel that her case was not yet ready for decision because the
26 background investigation had not yet been completed. The letter identically instructed that if
27 Petitioner Patel did not hear from USCIS within 6 months to contact the customer service phone
28

1 number. A copy of the letter from USCIS to Petitioner Patel is attached as Petitioner's Exhibit
2 G.

3 14. On or about May 10, 2007, Petitioner Patel, through counsel, submitted a letter to
4 the United States Attorney's Office in San Francisco to notify them of these delays, and to
5 request assistance in obtaining prompt adjudication of Petitioner Patel's I-485 Application. A
6 copy of that letter is attached as Petitioner's Exhibit H.

7 15. On June 5, 2007, Petitioner Patel filed this action seeking an order directing
8 USCIS to adjudicate her application for permanent residency.

9 16. On July 9, 2007, approximately one month after Petitioner initiated the present
10 matter before this Court, USCIS sent Petitioner Patel another request for her fingerprints, despite
11 her compliance with the 2005 request for fingerprints. Petitioner Patel complied with this latter
12 request and again submitted her fingerprints. A copy of the letter from USCIS to Petitioner Patel
13 is attached as Petitioner's Exhibit I.

14 17. In August, 2007, Petitioner Patel submitted a Freedom of Information Act request
15 to USCIS seeking a copy of her entire paper and electronic file. On August 20, 2007, USCIS
16 received Petitioner Patel's Freedom of Information Act request for a copy of her file, assigning it
17 control number NRC2007055462, and mailing a letter of receipt to Petitioner Patel. To date no
18 information has been received by Petitioner Patel or her counsel in response to this request. A
19 copy of the USCIS letter of receipt is attached as Petitioner's Exhibit J.

20 18. On November 4, 2007, the USCIS website showed that as of October 15, 2007,
21 the San Francisco district office was adhering to a six (6) month processing timeframe for I-485
22 applications. Petitioner Patel's application was filed in June, 2005, thirty (30) months ago, as of
23 the Summary Judgment hearing date in this matter. Additionally, a query for the USCIS
24 National Benefits Center shows processing times of no more than six months for any of the
25 application types for which it provides processing timeframes online. Copies of the web page
26 information for both the San Francisco field office and the National Benefits Center are attached
27 as Petitioner's Exhibit K.
28

1 PETITIONER'S EXHIBIT A: I-130 Approval Notice – 12/14/05
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3 PETITIONER'S EXHIBIT B: I-485 Receipt Notice – 6/20/05
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5 PETITIONER'S EXHIBIT C: Request for Initial Interview and fingerprints re:
6 I-485 application – 9/29/05
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8 PETITIONER'S EXHIBIT D: Inquiry re: I-485 application status – 8/22/06
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10 PETITIONER'S EXHIBIT E: USCIS Response to 8/22/06 status inquiry – 8/25/06
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12 PETITIONER'S EXHIBIT F: USCIS Response to 9/11/06 status inquiry – 9/11/06
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14 PETITIONER'S EXHIBIT G: USCIS Response to 1/22/07 status inquiry – 1/23/07
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16 PETITIONER'S EXHIBIT H: Letter to U.S. Attorney seeking assistance – 5/10/07
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18 PETITIONER'S EXHIBIT I: 2007 Request for Fingerprints re: I-485 application
19 – 7/09/07
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21 PETITIONER'S EXHIBIT J: Letter of Receipt of Freedom of Information Act
22 request – 8/20/07
23
24 PETITIONER'S EXHIBIT K: Web page print-outs of USCIS processing
25 timeframes for San Francisco field office and
26 National Benefits Center – 10/15/07 information
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PETITIONER'S EXHIBIT A

12/20/2005 14 29 FAX 6507453726

Anand P. S. Judge, Esq.

002/001

Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER MSC-05-259-18881		CASE TYPE I130 IMMIGRANT PETITION FOR RELATIVE, FIANCE(E), OR ORPHAN	
RECEIPT DATE June 20, 2005	PRIORITY DATE	PETITIONER JUDGE, ANAND P.	
NOTICE DATE December 14, 2005	PAGE 1 of 1	BENEFICIARY A096 542 186 PATEL, ANITA	
ANAND P. JUDGE 600 ALLERTON ST APT 201 REDWOOD CITY CA 94063		Notice Type: Approval Notice Section: Husband or wife of U.S. Citizen, 201(b) INA	

The above petition has been approved. The original visa petition has been forwarded to the Department of State (DOS) National Visa Center (NVC) 32 Rochester Avenue, Portsmouth, NH 03801-2905. The petition indicates the person for whom you are petitioning (the beneficiary) wishes to adjust status to that of a lawful permanent resident in the United States. Because the petition was postmarked on or before April 30, 2001, the beneficiary is eligible to adjust status under Section 245(a). The priority date is the date the petition was physically received by the Service and is shown above.

When the beneficiary becomes eligible to adjust status based on the priority date of this petition, he or she may submit a copy of this notice, along with a Form I-485 Application for Permanent Resident, to their local Citizenship and Immigration Services (CIS) District Office where the beneficiary resides. Do not send the request to a CIS Service Center. Additional information about eligibility for adjustment of status can be obtained from the CIS National Customer Service Center (NCSC) at 1-800-375-5283 or by accessing the CIS web site at www.uscis.gov.

If the beneficiary elects to apply for an immigrant visa outside the United States based on this petition once the priority date is current and the visa is available, no further action by the beneficiary is necessary. The NVC will forward the approved petition to the appropriate consulate to complete visa processing. The NVC will then contact the beneficiary concerning further immigrant visa processing steps.

In the event the beneficiary decides to change his or her original visa application location, he or she must submit a copy of this notice, along with a Form I-824 Application for Action on an Approved Application or Petition to the local CIS District Office or DOS Consulate in the respective country.

The approval of this visa petition does not in itself grant any immigration status and does not guarantee that the alien beneficiary will subsequently be found to be eligible for a visa, for admission to the United States, or for an extension, change, or adjustment of status.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

NATIONAL BENEFITS CENTER

USCIS, DHS

P.O. BOX #648004

LEE'S SUMMIT MO 64064

Customer Service Telephone: (800) 375-5283



PETITIONER'S EXHIBIT B

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Department of Homeland Security
Bureau of Citizenship and Immigration Services

I-797C, Notice of Action



Receipt Number: MSC-05-259-18879		Case Type: I-485 - Application to Register Permanent Residence or Adjust Status	
Received Date: June 03, 2005	Priority Date:	Applicant: A096542186 PATEL, ANITA	
Notice Date: June 20, 2005	Page 1 OF 1	ASC Code: 3	

C SHUSTERMAN
624 S GRAND AVE SUITE 1608
LOS ANGELES CA 90017

Notice Type: Receipt Notice
Amount Received: \$385.00

The above application has been received. **Please notify us immediately if any of the above information is incorrect.** If you find it necessary to contact this office in writing, you must include a copy of this receipt notice with your inquiry.

FINGERPRINTING AND BIOMETRICS-

The next step is to have your fingerprints and biometrics taken at a BCIS Application Support Center (ASC).

Call our National Customer Service Center (NCSC) at **1-800-375-5283** to schedule your appointment. For TDD hearing impaired assistance, please call **1-800-767-1833**.

It is important that you schedule your appointment. If you do not schedule or appear for your appointment, it could cause your application to be denied. If you need to reschedule your appointment, please call the NCSC at **1-800-375-5283**.

WHAT TO BRING TO Your appointment -

Please bring this letter and your photo identification to your appointment. Acceptable kinds of photo identification are:

- a passport or national photo identification issued by your country,
- a driver's license,
- a military photo identification, or
- a state-issued photo identification card.

If you do not bring this letter and photo identification, we cannot process you.

Please bring a copy of all receipt notices received from BCIS in relation to your current application for benefits.

CASE STATUS -

Information about your local office processing times may be obtained by calling the NCSC at 1-800-375-5283.

If you have Internet access, you can visit the Bureau of Citizenship and Immigration Services website at www.BCIS.gov where you can find valuable information about forms, filing instructions, and immigration services and benefits.

U S BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES
P.O. Box 648005
Lee's Summit, MO 64064
National Customer Service Center: 1-800-375-5283



PETITIONER'S EXHIBIT C

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Department of Homeland Security
U.S. Citizenship and Immigration Service

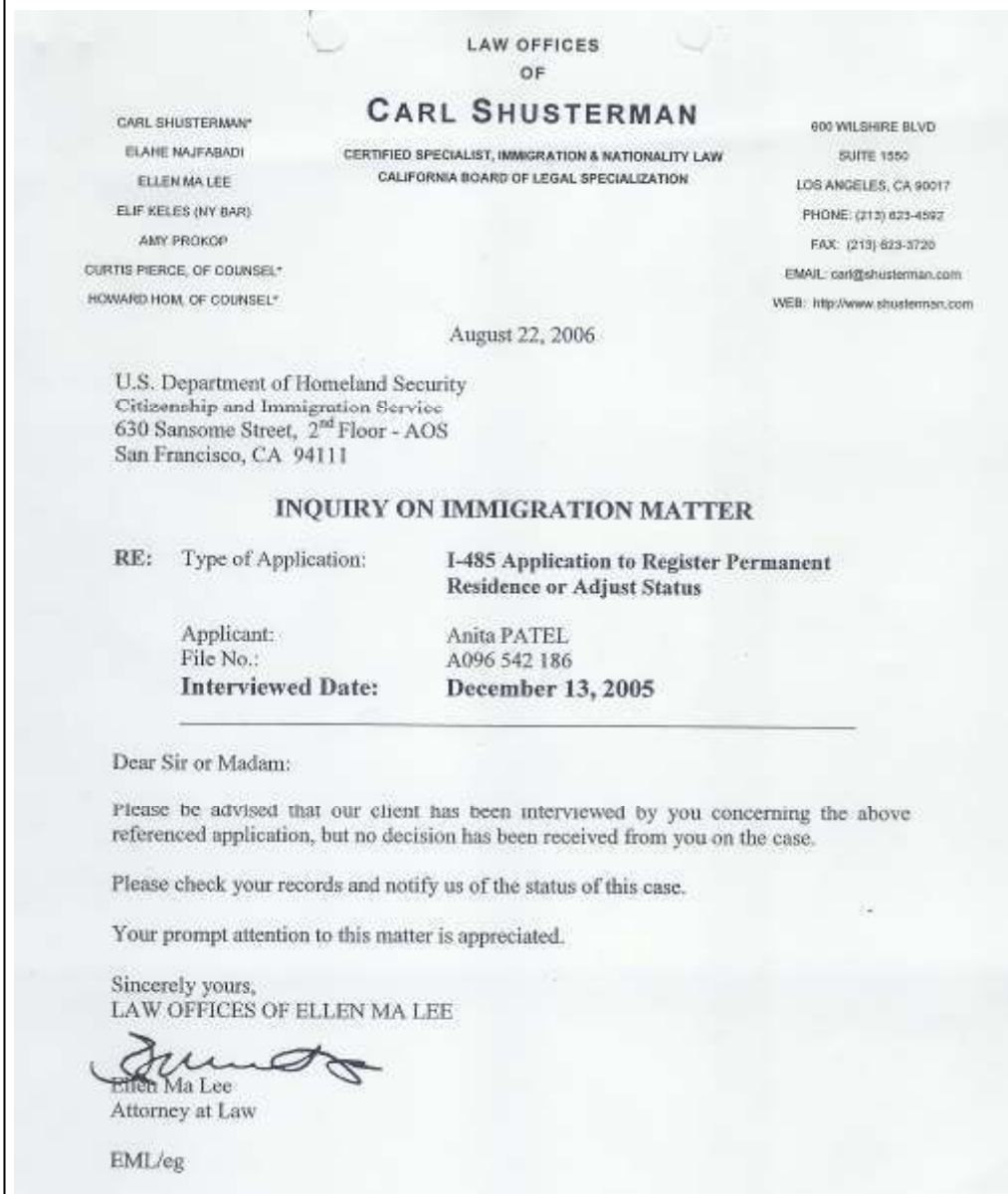
I-797C, Notice of Action



REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			NOTICE DATE September 29, 2005
CASE TYPE: FORM I-485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			AF A 096 542 186
APPLICATION NUMBER MSC0525918879	RECEIVED DATE June 03, 2005	PRIORITY DATE June 03, 2005	PAGE 1 of 1
<p>APPLICANT NAME AND MAILING ADDRESS: ANITA PATEL c/o C SHUSTERMAN 624 S GRAND AVE SUITE 1608 LOS ANGELES CA 90017</p> <p>PLEASE COME TO: U.S. Citizenship and Immigration Services 630 SANSOME ST 2ND FLOOR - ADJUSTMENT OF STATUS SAN FRANCISCO CA 94111</p>			
<p>ON: Tuesday, December 13, 2005 AT: 10:00 AM</p>			
<p>You are hereby notified to appear for the interview appointment, as scheduled above, for the completion of your Application to Register Permanent Residence or Adjust Status (Form I-485). Failure to appear may result in the denial of your application.</p>			
<p>Who should come with you?</p> <ul style="list-style-type: none"> ■ If your eligibility is based on your marriage, your husband or wife <u>must</u> come with you to the interview. ■ If you do not speak English fluently, you should bring an interpreter who is neither a relative nor an interested party in your application. ■ Your attorney or authorized representative may come with you to the interview. 			
<p>NOTE: <u>Every</u> adult who comes to the interview <u>must</u> bring Government-issued photo identification, such as a driver's license or ID card, in order to enter the building and to verify his/her identity at the time of the interview. You do not need to bring your children unless otherwise instructed. Please be on time, but do not arrive more than 45 minutes early. We may record or videotape your interview.</p>			
<p>What <u>MUST</u> you bring?</p> <ul style="list-style-type: none"> ■ Bring this Interview Notice. ■ Bring your Government-issued photo identification. ■ Bring <u>all</u> your Passports and <u>any other</u> documents, including your Arrival/Departure Document (Form I-94), used to enter the United States. ■ Bring your Birth Certificate. ■ Bring <u>all</u> documentation establishing your eligibility for Lawful Permanent Resident status (see below: "<u>What else should you bring?</u>"). ■ Bring <u>all</u> immigration-related documentation ever issued to you. ■ Bring both <u>originals and photocopies</u> of all supporting documents. Otherwise, we may keep your originals for our records. ■ Bring a certified English translation for <u>each</u> document not in English. The translator must certify that s/he is fluent in both languages, and that the translation in its entirety is complete and accurate. 			
<p>What else should you bring?</p> <ul style="list-style-type: none"> ■ Bring any Employment Authorization card or paper, and any Authorization for Advance Parole (Form I-512) ever issued to you. ■ Bring your petitioner's Birth Certificate <u>and</u> your petitioner's evidence of United States Citizenship or Lawful Permanent Resident status. ■ If you have children, bring a Birth Certificate for <u>each</u> of your children. ■ If you are married, bring your Marriage Certificate. ■ If your eligibility is based on your marriage, in addition to your spouse coming to the interview with you, bring: <ul style="list-style-type: none"> ■ Your spouse's Birth Certificate <u>and</u> your spouse's evidence of United States Citizenship or Lawful Permanent Resident status; ■ If either you or your spouse were ever married before, <u>all</u> divorce decrees/death certificates for <u>each</u> prior marriage/former spouse; ■ Birth Certificates for <u>all</u> children of this marriage, and custody papers for your children and for your spouse's children not living with you; ■ Supporting evidence of your relationship, such as joint financial statements, joint legal documents, joint insurance policies, and photos. ■ If you have not already submitted it, bring a completed medical examination (Form I-693) <u>and</u> vaccination supplement in a sealed envelope. ■ Bring your Federal Income Tax returns <u>and</u> W-2's, or certified IRS printouts, for the past 3 years. ■ If you are employed, bring letters from each of your current employers on company stationery, verifying your current rate of pay <u>and</u> average weekly hours, <u>and</u> bring your pay stubs for the past 2 months. ■ Bring completed Affidavit(s) of Support (Form I-864), with <u>all</u> required evidence, including the following for <u>each</u> of your sponsors: <ul style="list-style-type: none"> ■ Federal Income Tax returns <u>and</u> W-2's, or certified IRS printouts, for the past 3 years; ■ Letters from each current employer on company stationery, verifying current rate of pay <u>and</u> average weekly hours, <u>and</u> pay stubs for the past 2 months; ■ Evidence of United States Citizenship or Lawful Permanent Resident status. ■ If you have ever been arrested, for <u>each</u> arrest, bring the related Police Report and the original or certified Final Court Disposition, even if the charges have been dismissed or expunged. If no court record is available, furnish a letter from the court with jurisdiction indicating this. 			
<p>PLEASE MAKE EVERY EFFORT TO KEEP YOUR APPOINTMENT, even if you do not have all the listed items. If an emergency, such as the hospitalization of a close relative, prevents you from appearing, call the Citizenship and Immigration Services (CIS) customer service as soon as possible. Please be advised that rescheduling will delay processing, may require some steps to be repeated, and will affect your eligibility for other immigration benefits while this application is pending.</p>			
<p>If you have questions, please call CIS customer service at 1-800-375-5283 (hearing impaired TDD service is 1-800-767-1833).</p>			
<p>REPRESENTATIVE COPY</p>			

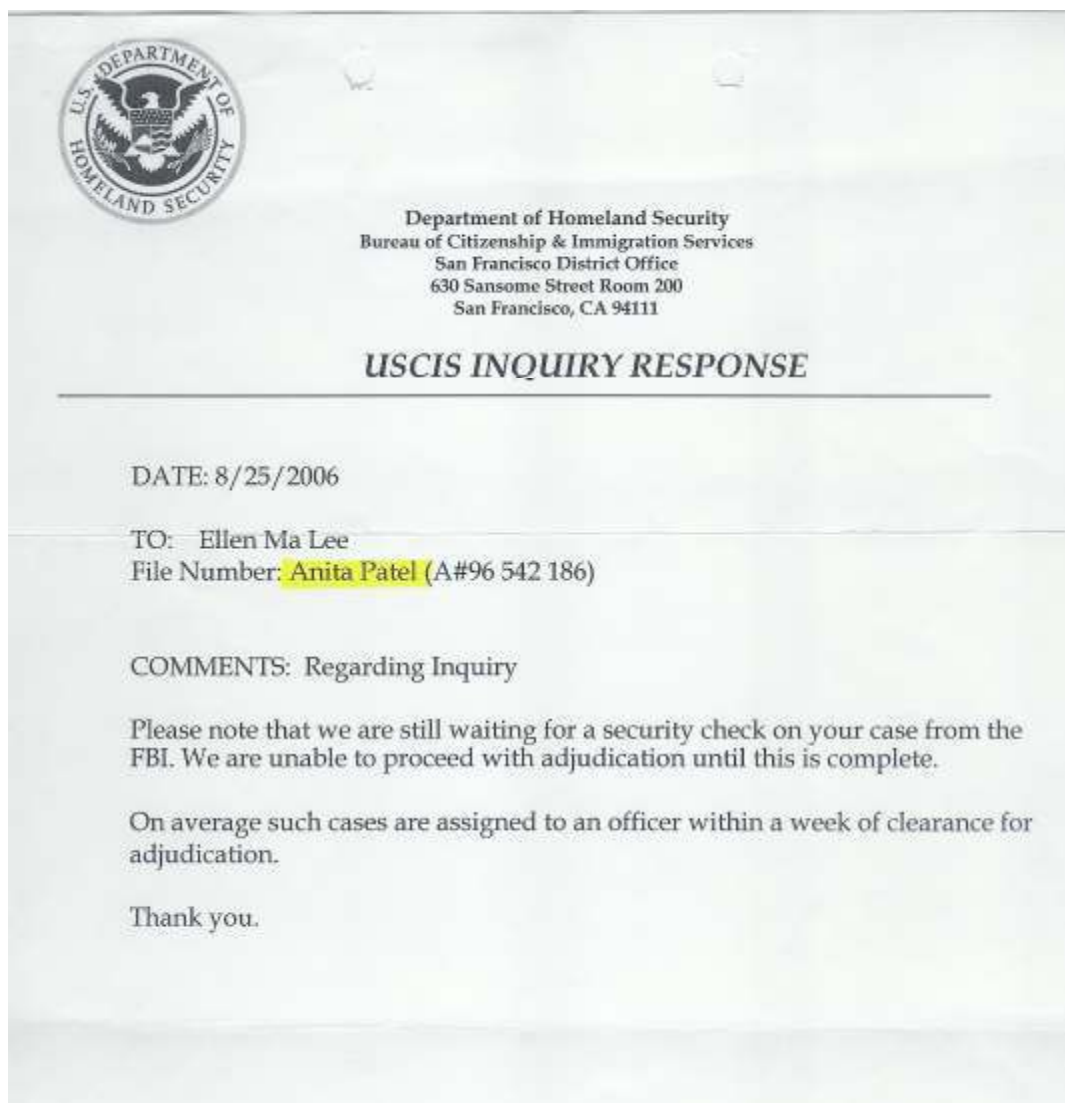
PETITIONER'S EXHIBIT D

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Monday, September 11, 2006

ELLEN LEE
LAW OFFICE OF CARL SHUSTERMAN
600 WILSHIRE BLVD
SUITE 1550
LOS ANGELES CA 90017

ATTORNEY/PARALEGAL COPY

ANITA PATEL
600 ALLERTON ST
SUITE 201
REDWOOD CITY CA 94063

Dear Anita Patel:

On 09/11/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Ellen Lee
Case type:	I485
Filing date:	Information not available
Receipt #:	MSC-05-259-18879
Beneficiary (If you filed for someone else):	Patel, Anita
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

U.S. CIS - 09-11-2006 05:16 PM EDT - MSC-05-259-18879

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S. CIS - 09-11-2006 03:16 PM EDT - MSC-05-259-18379

PETITIONER'S EXHIBIT G

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U.S. Department of Homeland Security
USCIS
630 Sansome Street
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**

Tuesday, January 23, 2007

ELLEN LEE
LAW OFFICE OF CARL SHUSTERMAN
600 WILSHIRE BLVD
SUITE 1550
LOS ANGELES CA 90017
ATTORNEY/PARALEGAL COPY

ANITA PATEL
600 ALLERTON ST
SUITE 201
REDWOOD CITY CA 94063

Dear Anita Patel:

On 01/22/2007 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:	The applicant
Attorney Name:	Ellen Lee
Case type:	I485
Filing date:	Information not available
Receipt #:	MSC-05-259-18879
Beneficiary (if you filed for someone else):	Patel, Anita
Your USCIS Account Number (A-number):	Information not available
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

U.S. CIS - 01-23-2007 05:38 PM EST - MSC-05-259-18879

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

U.S.CIS - 01-23-2007 05:38 PM EST - MSC-01-259-18879

PETITIONER'S EXHIBIT H

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MICHAEL CRAIG COX
ATTORNEY AND COUNSELOR AT LAW

120 ROBLE ROAD, #108
WALNUT CREEK, CA 94597

HTTP://LEGALHELPFOR.US

MICK@LEGALHELPFOR.US
PHONE: 650.245.2565

10 May 2007

United States Attorney's Office
Civil Division, Immigration Unit
450 Golden Gate Avenue
11th Floor
San Francisco, CA 94102

Assistant U.S. Attorney:

I represent Anita Patel, a United Kingdom citizen, to aid her quest to have her I-485 application for status change adjudicated by the U.S. Citizenship and Immigration Services ("USCIS") office. Given her right to obtain legal permanent residence and the hardships that lacking such legal status continues to present, we are seeking to obtain prompt adjudication of her application.

There has been significant delay in the processing of her application from 2005, which is based upon her marriage to a U.S. citizen in 2002. If someone from your office can provide assistance in expediting the process with USCIS, my client would certainly appreciate the ability to forego the time, energy, and cost of preparing for, and moving through, formal legal proceedings. Hopefully it is similarly beneficial to the U.S. Attorney's Office and USCIS to address this issue in the absence of formal court proceedings.

For your convenience, enclosed please find a draft of the statement of facts that we may use in a petition for writ of mandamus if your office is unable or unwilling to assist Ms. Patel in obtaining prompt adjudication of her I-485 application.

We are striving to resolve this matter as efficiently as possible, but if after contacting USCIS, your office does not feel that it is feasible for Ms. Patel's application to be adjudicated by 29 June 2007, or if we receive no response from your office at all, then we will proceed with a petition for writ of mandamus on or about 04 June 2007.

Any assistance you can offer Ms. Patel is greatly appreciated. Please direct any correspondence to my contact information above, either electronically or via traditional post. Thank you in advance for your time and attention to this matter. I look forward to receiving your prompt reply.

MICHAEL CRAIG COX
ATTORNEY AND COUNSELOR AT LAW

PETITIONER'S EXHIBIT I

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Department of Homeland Security
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**

MICHAEL CRAIG COX

120 ROBLE ROAD, SUITE #108
WALNUT CREEK, CA 94597

File No. A96 542 186 (E-11/OMB)

Date: July 09, 2007

I-485

APPLICANT: Anita PATEL

This is in reference to your Application to Adjust your Status in the United States. You have been scheduled to be fingerprinted at the INS APPLICATION SUPPORT CENTER. **On or before August 08, 2007**

NOTE: If you do not have your finger prints taken, your adjustment of status application may be considered abandoned and denied pursuant to 8 CFR § 103.2(b)(13). **IMPORTANT:** If you are unable to appear on your appointment date, you should write to the ASC directly to request rescheduling.

☐ **SANTA ROSA**
1401 Guerneville Rd., Suite. 100
Santa Rosa, CA 95403
Hours: Tuesday through Saturday
8am to 3:30pm
Closed Sunday/Monday

☐ **OAKLAND**
2040 Telegraph Avenue
Oakland, CA 94612
(Near 19th Street Bart Station)
Hours: Tuesday through Saturday
8am to 3:30pm
Closed Sunday/Monday

☒ **SAN FRANCISCO**
250 Broadway Street
San Francisco, CA 94111
Hours: Tuesday through Saturday
8:00am to 3:30pm
Closed Sunday/Monday

☐ **MODESTO**
901 N. Carpenter Rd., Suite. 14
Modesto, CA 95351
Hours: Tuesday through Saturday
8am to 3:30pm
Closed Sunday/Monday

☐ **FRESNO**
4893 East Kings Canyon
Fresno, CA 93727
Hours: Tuesday through Saturday
8:00am to 3:30pm
Closed Sunday/Monday

☐ **SACRAMENTO**
731 "K" Street, Room 100
Sacramento, CA 95816
Hours: Tuesday through Saturday
8am to 3:30pm
Closed Sunday/Monday

☐ **SAN JOSE**
122 Charcott Avenue
San Jose, CA 95131
Hours: Tuesday through Saturday
8:00am to 3:30pm
Closed Sunday/Monday

☐ **SALINAS**
1954 North Main Street (Santa Rita Plaza)
Salinas, CA 93906
Hours: Tuesday through Saturday
8am to 3:30pm
Closed Sunday/Monday

When you go to have your fingerprints taken, you must bring: 1) THIS NOTICE; and 2) Photo Identification such as a passport, valid driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

cc: Anita PATEL
600 Allerton Street, Apt. #201
Redwood City, CA 94063

(REVISED 07/04/03)

www.dhs.gov

PETITIONER'S EXHIBIT J

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U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

August 20, 2007

NRC2007055462

Michael Craig Cox
Attorney at Law
120 Roblo Rd #108
Walnut Creek, CA 94597

*Postmark
21 AUG 07*

Dear Michael Craig Cox:

We received your request for information relating to Anita Patel on August 20, 2007.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2007055462. Please cite this number in any further inquiry about this request.

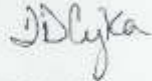
In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$1.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the complex track. Since your request is on the complex track, you may wish to modify it to identify a specific document(s), the exact information sought, and location if known. Upon receipt, we will reconsider your request for eligibility for the faster track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers, through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. **Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again.** For individuals (i.e. non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

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3 If you have any questions concerning your pending FOIA/PA request, please address them to this office,
4 Attention: FOIA/PA Officer, or call us at (816) 350-5570, or fax any FOIA/PA related correspondence to
5 (816) 350-5785. If you have questions concerning the status of a pending Application or Petition or any
6 other type of immigration matter, you must contact your local District Office or call the National
7 Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any
8 pending Applications or Petitions or any other type of immigration matter.

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10 Sincerely,

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12 T. Diane Cejka
13 Director
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PETITIONER'S EXHIBIT K

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<https://egov.uscis.gov/cris/jsps/officeProcessTimes.jsp?selectedOffice=69>
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U.S. Citizenship and Immigration Services

San Francisco CA Processing Dates

Posted October 15, 2007

Notice: U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the date the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report the USCIS service level commitment. For example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show "6 months".

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

There are several important exceptions to the processing times shown below:

- Case processing will be delayed if we must ask you for more evidence or information.
If we ask for missing required initial evidence, count the processing time from when we receive that missing evidence.
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

What if I have a problem or have questions about a case?

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

[Case Services - How do I... know what kind of services are available to me after I file my application or petition?](#)

One additional point about these projections. They are the time to complete processing and mail the actual notice and/or document. If you check case status online and see that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us.

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That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

District Office Processing Dates for **San Francisco CA** Posted October 15, 2007

Form	Form Description	Processing Timeframe
I-131	Application for Travel Documents	3 Months
I-485	Application to Register Permanent Residence or Adjust Status	6 Months
I-600	Petition to Classify Orphan as an Immediate Relative	June 06, 2007
I-600A	Application for Advance Processing of Orphan Petition	June 06, 2007
I-765	Application for Employment Authorization	11 Weeks
N-400	Application for Naturalization	7 Months
N-600	Application for Certification of Citizenship	June 24, 2007

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U.S. Citizenship and Immigration Services National Benefits Center Processing Dates Posted October 15, 2007

Notice: U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the date the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report the USCIS service level commitment. For example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show "6 months".

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

There are several important exceptions to the processing times shown below:

- Case processing will be delayed if we must ask you for more evidence or information. If we ask for missing required initial evidence, count the processing time from when we receive that missing evidence.
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

What if I have a problem or have questions about a case?

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

[Case Services - How do I... know what kind of services are available to me after I file my application or petition?](#)

One additional point about these projections. They are the time to complete processing and mail the actual notice and/or document. If you check case status online and see that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us.

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U.S Citizenship and Immigration Services - Case Status Service Online

<https://egov.uscis.gov/cris/jsps/NBCprocesstimes.jsp?>

That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

Processing Dates for the **National Benefits Center** Posted October 15, 2007

Form	Title	Classification or Basis for Filing	Processing Timeline
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	3 Months
I-131	Application for Travel Document	All other applicants for advance parole	3 Months
I-539	Application to Extend/Change Nonimmigrant Status	All other extension applications	3 Months
I-765	Application for Employment Authorization	Based on a pending I-485 adjustment application [(c)(9)]	11 Weeks
I-765	Application for Employment Authorization	All other applications for employment authorization	11 Weeks
I-817	Application for Family Unity Benefits	Voluntary departure under the family unity program	6 Months
I-824	Application for Action on an Approved Application or Petition	To request further action on an approved application or petition	6 Months

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